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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
07/816,268	12/26/91	RODGERS	L. JAO-27658
		EXAMINER	
		BROWN, D	
		ART UNIT	PAPER NUMBER
		2201	4
		DATE MAILED:	

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

FEB 4 1993

This application has been examined Responsive to communication filed on _____ This action is made final.

A shortened statutory period for response to this action is set to expire 6 month(s), — days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice re Patent Drawing, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449.
4. Notice of Informal Patent Application, Form PTO-152.
5. Information on How to Effect Drawing Changes, PTO-1474.
6. _____

Part II SUMMARY OF ACTION

1. Claims 1-8 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims _____ have been cancelled.

3. Claims _____ are allowed.

4. Claims 1 and 4-8 are rejected.

5. Claims 2 and 3 are objected to.

6. Claims _____ are subject to restriction or election requirement.

7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. Formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable. not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been approved by the examiner. disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed on _____, has been approved. disapproved (see explanation).

12. Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____.

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other

FOREIGN GOVERNMENT INFORMATION

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EXAMINER'S ACTION

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AGENCY

1. Receipt is acknowledged of the new sheets of drawing filed January 19, 1993.
2. The drawing is objected to since the triangular sections of the radially inner flaps "interconnected by hinges" (claim 3), the radially outer flaps "moved asymmetrically . . . by linear actuators pivotally connected to the radially outer flaps" (claim 5), and the "convergent and divergent portions of the radially outer and radially inner flaps are joined together by hinges" (claim 7), as positively and respectively called for in the claims as indicated, have not been shown. At best, the triangular portions in Fig. 3 are shown "connected" or "abutted" by hidden lines, the radially outer flaps in Fig. 1 are shown as connected to and actuated by a unison ring, rather than directly pivoted to the actuators, and the flaps in Fig. 1 are shown connected by solid lines vis-à-vis "hinges". It will be recognized that 37 CFR 1.83 clearly requires every feature of the invention claimed to be illustrated.
3. Correction of the drawing is required. Attention is directed to enclosed Form PTOL-1474.
4. Claims 1-8 appear herein.
5. The following is a quotation of 35 USC 112 that forms the bases for the rejections made under the appropriate paragraphs of this statute:

"The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

A claim may be written in independent or, if the nature of the case permits, in dependent or multiple claim form.

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Subject to the following paragraph, a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.

A claim in multiple dependent form shall contain a reference, in the alternative only, to more than one claim previously set forth and then specify a further limitation other multiple dependent claim. A multiple dependent claim shall be construed to incorporate by reference all the limitations of the particular claim in relation to which it is being construed.

An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof."

6. Claims 1 and 4-8 are rejected under 35 USC 112, second paragraph, as being vague and functional wherein lines 12-16 of basic claim 1 recite "the radially inner flaps being . . . are moved asymmetrically". These lines merely state a desired result in the absence of sufficient details of structure which are necessary to carry out this result. What is it structurally that positively enables the inner flaps to be torsionally flexible?

7. Claim 5 is further rejected under 35 USC 112, second paragraph, as being vague, indefinite and confusing since it appears to be contradictory to or inconsistent with claim 4 upon which it depends. Base claim 4 calls for the actuators to be pivotally connected to the flaps. Dependent claim 5 calls for the actuators to be connected to the flaps by a unison ring. It is obvious that they can be one or the other, but not both simultaneously.

8. Claims 2 and 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Art Unit 2201

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9. An inquiry concerning the merits of this communication should be directed to David H. Brown at telephone number (703) 308-0506. All inquiries of a general nature or those relating to the status of this application should be directed to the Group receptionist at (703) 308-0511.

David H. Brown

DAVID H. BROWN

EXAMINER

GROUP ART UNIT 2201

1/26/93

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Attachment to
Paper Number

Serial No.

4

816,268

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INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities—37 CFR 1.85; 1097 OG 36

IN APPLICATIONS FILED BEFORE JANUARY 1, 1989 OPTION a) OR b) MAY BE USED IN ORDER TO CORRECT ANY INFORMALITY IN THE DRAWING.

IN APPLICATIONS FILED AFTER JANUARY 1, 1989 ONLY OPTION a) MAY BE USED.

AFTER JANUARY 1, 1991 ONLY OPTION a) MAY BE USED REGARDLESS OF FILING DATE.

a) File new drawings with the changes incorporated therein. The art unit number, serial number and number of drawing sheets should be written on the reverse side of the drawings. Applicant may delay filing of the new drawings until receipt of the "Notice of Allowability" (PTOL-37). If delayed, the new drawings MUST be filed within the THREE MONTH shortened statutory period set for response in the "Notice of Allowability" (PTOL-37). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a). The drawing should be filed as a separate paper with a transmittal letter addressed to the Official Draftsman.

b) Request a commercial bonded drafting firm to make the necessary corrections. A bonded draftsman must be authorized, the corrections executed and the corrected drawings returned to the office during the THREE MONTH shortened statutory period set for response in the "Notice of Allowability" (PTOL-37). Extensions of time may be obtained under Provisions of 37 CFR 1.136(a).

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the three month shortened statutory period set in the "Notice of Allowability" (PTOL-37). Within that three month period, two weeks should be allowed for review by the Office of the correction. If a correction is determined to be unacceptable by the Office, applicant must arrange to have acceptable correction re-submitted within the original three month period to avoid the necessity of obtaining an extension of time and paying the extension fee. Therefore, applicant should file corrected drawings as soon as possible.

Failure to take corrective action within set (or extended) period will result in ABANDONMENT of the Application.

2. Corrections other than Informalities Noted by the Draftsman on the PTO-948

All changes to the drawings, other than informalities noted by the Draftsman, MUST be made in the same manner as above except that, normally, a red ink sketch of the changes to be incorporated into the new drawings MUST be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

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